

To: Rotola, Joe[Rotola.Joe@epa.gov]
Cc: Staiger, Kimberly[Staiger.Kimberly@epa.gov]
From: Zachos, George
Sent: Thur 9/1/2016 3:25:30 PM
Subject: News Clips (PFOA)

Hi Joe,

Below are the PFOA articles web just discussed.

Have a nice day,

George

From: Rodriguez, Elias **On Behalf Of** Region2 PAD News
Sent: Thursday, September 01, 2016 8:36 AM
To: R2 EPA Region 2 (EPA Staff) <R2_EPA_Region_2_EPA_Staff@epa.gov>
Subject: News Clips (PFCs)

WSJ: Tensions Escalate Over Hoosick Falls Water Crisis

EPA hits back at Cuomo administration over state officials’ testimony in hearing on the response to water contamination

By MIKE VILENSKY

Aug. 31, 2016 8:51 p.m. ET

New York Gov. Andrew Cuomo’s administration has long blamed federal guidelines for hampering its response to an upstate village’s water-contamination crisis and accused the U.S. Environmental Protection Agency of sowing confusion.

PHOTO EPA official Judith Enck PHOTO: EL NUEVO DIA/GDA/ZUMA PRESS

The EPA is now hitting back with a media tour and a war of words that escalated Wednesday when an agency official offered an extensive timeline of events that contradicts Mr. Cuomo’s administration’s narrative of the response to the polluted water in Hoosick Falls.

“In general, we like to avoid public sparring matches,” said Judith Enck, a regional administrator at the EPA whose portfolio includes New York, in an interview Wednesday.

“But what was different about yesterday,” she said, referring to testimony on Tuesday by Howard Zucker, commissioner of the state Department of Health, “is that it was before a legislative oversight hearing, and it wasn’t accurate.”

A spokesman for the Department of Health said: “It is outrageous to suggest that Commissioner Zucker did anything in his testimony except to lay out the clear, indisputable facts.”

The dispute marks one of the tensest moments between PresidentBarack Obama’s administration and Mr. Cuomo’s since the Democratic governor took office in 2011.

PHOTO Dr. Howard Zucker, commissioner of the New York State Department of Health, spoke during a February news conference in Hoosick Falls.PHOTO: MIKE GROLL/ASSOCIATED PRESS

There are two more state hearings about the water contamination planned for September and acongressional investigation is under way.

The battle began to unfold Tuesday when Dr. Zucker testified at a Senate hearing and reiterated the state’s stance that it had followed federal guidelines. He said the EPA offered conflicting or ambiguous advice about how to handle the appearance of the chemical perfluorooctanoic acid in the village’s water.

“What we could use is a little less confusion from the EPA,” Dr. Zucker said.

On Wednesday, Ms. Enck said during an interview on WCNY radio that the Cuomo administration, not the federal government, had misled the residents of Hoosick Falls.

In some of her most extensive remarks on the matter to date, Ms. Enck said Wednesday in an interview with The Wall Street Journal that her agency was left in the dark about the extent of danger involving Hoosick Falls’ water supply until October 2015, when she said county officials informed her.

Mr. Cuomo's office provided emails showing the federal agency was looped into conversations on the issue as far back as 2014, but Ms. Enck said that the information at that time didn't show how widespread the contamination was.

By the fall of 2015, some of the water tested above the EPA's recommended limit levels for the contaminant, but state officials have maintained it was still within an EPA-issued margin of safety and that EPA guidelines didn't demand residents stop drinking it.

Ms. Enck didn't dispute that. Still, she said, "there was no reason not to err on the side of public health" and tell residents to avoid the water.

When Ms. Enck said she discovered the extent of the contamination in October 2015, she called on the state to issue an order against drinking the water. She said Mr. Cuomo's administration pushed back, and she issued one herself.

The state soon followed with a notice that it says advises against drinking the water, but Ms. Enck and others have criticized the notice as ambiguous.

The spokesman for the Department of Health and other Cuomo officials said the EPA was kept apprised of the administration's actions throughout the process.

The EPA "had no issue with the actions being taken until close to a year later when they began issuing changing guidance and recommendations that conflicted" with its initial advisory, the spokesman said.

Michael Hickey, a resident in Hoosick Falls credited with first discovering and raising red flags about the water contamination, said Wednesday that he sided with Ms. Enck. The state, he said, "was only aggressive once it went into damage control mode."

Meanwhile, a spokesman for Senate Majority Leader John Flanagan, a Republican, called Ms. Enck "disingenuous" for not attending Tuesday's hearing. That "was the venue for the EPA to clarify its position," the spokesman said.

Ms. Enck said she didn't attend because it was a state event and the EPA is a federal agency.

Others have questioned why Mr. Cuomo, who has disregarded federal guidance before, relied on the EPA. He said earlier this year it wouldn't have been appropriate for the state to create guidelines conflicting with the federal government in this case.

POLITICO

Hoosick Falls highlights tensions between Cuomo administration and EPA

By Scott Waldman

09/01/16 05:30 AM EDT

ALBANY — The U.S. Environmental Protection Agency has been at odds with Gov. Andrew Cuomo's administration over a number of high-profile issues in recent years, including a Tappan Zee bridge construction loan, oil trains in the Port of Albany and the cleanup of the Hudson River.

But the unfolding water pollution crisis in Hoosick Falls has turned the administration's relationship with the EPA, and in particular with the Region 2 office headed by administrator Judith Enck, especially toxic.

Story Continued Below

At the first of three legislative hearings on Hoosick Falls and water quality issues on Tuesday, state health commissioner Dr. Howard Zucker pointed to the EPA dozens of times as the reason residents were allowed to drink poisoned water without public warning. The state also took the unprecedented step of accusing the EPA of bungling the Hoosick Falls response and insisting that it reimburse some of the state's response costs.

"The Environmental Protection Agency's role in the Hoosick Falls situation was certainly not helpful, and was, at times, counterproductive," wrote Zucker and Basil Seggos, commissioner of the Department of Environmental Conservation.

On Wednesday, Enck said Zucker's claims were inaccurate. She said the state health department chose to ignore EPA warnings, disputing key data and insisting that federal safety levels were too high. She criticized state officials for focusing on finger-pointing rather than long-term solutions to the crisis.

"This isn't about political posturing," she said in a radio interview on "The Capital Pressroom" with Susan Arbetter. "This is about public health protection."

The tension positions a blue state governor working to burnish his climate credentials on the national stage against the Obama administration and one of its chief environmental regulators. And yet the end result, in recent weeks at least,

has yielded a series of victories for environmental activists.

In mid-August, on the day before Enck was to meet with residents concerned that the state had not done enough to address the issue of oil trains and industrial pollution at public housing near the Port of Albany, the state announced it would devote hundreds of thousands of dollars in investment for the area and step up enforcement of rules regulating diesel trucks.

Residents had been complaining about the conditions for years, and felt unsatisfied by the state's response. At the same time, the EPA also determined that the company responsible for most of the oil trains in New York had violated air permits, which could inhibit its operations. DEC then called on the EPA to strengthen its air pollution regulation of trucks.

Then, about a week later, the state pledged to broaden the EPA's removal of PCBs from New York waterways. Seggos derided the Obama administration for not doing enough to clean the Hudson River.

"The job is not done," Seggos said.

That was a sharp contrast from a year ago, when the administration was trying to woo General Electric into locating its headquarters in New York and did not call for any additional action as the dredging of the river wound down. (GE was responsible for the PCBs in the river and paid for the cleanup.) At the time, Enck declared the dredging project a success and later signed off on the dismantling of dewatering equipment.

Some environmental groups privately expressed surprise at the reversal.

Tensions between the Obama and Cuomo administrations date back to June, 2014, when Enck put the brakes on Cuomo's plan to use \$500 million from a revolving loan fund devoted to clean water projects for the construction of the new Tappan Zee bridge. The EPA had oversight over the clean water funds, and the administration had to back off its original plan.

In Hoosick Falls, the first dire warning about the pollution crisis came when Enck warned local residents against drinking their water in December. The Cuomo administration, which had assured residents that "normal use" of their water was not harmful, immediately became more aggressive in trying to rectify the situation. By January, the administration declared the factory linked to the chemical a state Superfund site and started the process to get the polluters, St. Gobain and Honeywell, to pay for cleanup. For months, Cuomo has repeatedly told reporters pressing him on Hoosick Falls that the EPA was squarely to blame for all that went wrong in the response.

At the Hoosick Falls hearing on Tuesday, local elected leaders blasted state and federal officials for their infighting. Town of Hoosick Supervisor Mark Surdam said local leaders would have delivered a clearer message from "experts we count on" if they had only agreed on exactly what that message should say.

"It would not have changed the fact that our water is contaminated, but I think it would have affected the way our local government addressed the issues as far as our communication with our residents," Surdam said.

POLITICO

New documents show Cuomo administration resistance to EPA warnings on Hoosick Falls

Aggressive resistance to federal regulators.

By Scott Waldman

06/02/16 05:34 AM EDT

ALBANY— While the Cuomo administration has been extensively criticized for its slow reaction to the unfolding Hoosick Falls water pollution crisis, a new trove of emails and meeting notes shows how top state Department of Health officials actively dismissed the Obama administration's increasingly dire warnings and recommended safe consumption levels.

The Cuomo administration resisted sounding a public alarm even though federal regulators warned senior health department officials that people in Hoosick Falls should be alerted they were drinking water that contained dangerous levels of a chemical linked to cancer and other serious health problems, according to documents recently obtained by POLITICO New York through a Freedom of Information Request.

Among other points of contention, health department employees dismissed an advisory limit for human consumption of PFOA set by the federal Environmental Protection Agency, and argued that their differences with the federal authorities were a matter of "philosophy" and not just science, according to a senior EPA official's handwritten notes from a phone conference with state officials.

In November, Paul Francis, Gov. Andrew Cuomo's deputy secretary for health and human services, requested a call with EPA officials who had raised concerns that the water pollution was at a dangerous level, the newly obtained records show. State health department officials told federal regulators they had been involved in monitoring the Hoosick Falls PFOA pollution for a year and said they did not want to go public with a major alert.

"We agree we don't want to alarm people," Dr. Nathan Graber, director of the state Department of Health's Center for Environmental Health, said to senior Environmental Protection Agency officials on the call, according to notes taken by EPA Region 2 Administrator Judith Enck.

POLITICO has previously reported that the state waited more than a year to make a significant intervention in Hoosick Falls, despite knowing that PFOA levels in the public water supply exceeded federal guidance. It has also been reported that the state health department indicated to residents that their water was safe to drink even though federal regulators claimed otherwise. The new documents indicate that the state didn't just react more slowly than the federal authorities, but actively disputed the concerns of the EPA officials.

The documents, obtained by POLITICO through a Freedom of Information request filed with the federal Environmental Protection Agency in January, contain previously unreleased material including emails, meeting notes and records from phone calls.

As the severity of the crisis came into clearer focus, the state health department still declined to take the lead in Hoosick Falls, preferring to leave it to village officials privately negotiating with St. Gobain, the owner of the factory the state later determined had been responsible for the pollution, emails show. State officials were aware that those negotiations did not include private wells, dozens of which have since tested positive for elevated levels of the chemical, the records show. In addition, as the Albany Times Union has reported, St. Gobain funded an attorney representing Hoosick Falls and village officials deferred to the company during those negotiations.

After the November phone call, EPA officials grew increasingly worried that the Cuomo administration was failing to properly protect the citizens of Hoosick Falls.

"We need the state health department to focus on the water supply issues fast... State health dept seems to be relying on negotiations between the mayor and the company," Enck wrote in a November 13 email to colleagues. "There is a clear need for regulatory oversight by either the state or epa or both."

A health department spokesman, who would only speak on background, said the state and EPA worked with St. Gobain and the village to quickly find a solution to pollution problem by providing bottled water and a water treatment system.

Not long after the November phone call with Francis, the EPA took a more aggressive stance in Hoosick Falls despite weeks of resistance from state officials. The EPA warned residents against drinking their water in late November.

In early December, in defense of the state's reaction to Hoosick Falls, Kenneth Bogdan, the state health department's chemical risk assessor, told EPA officials that the administration's "professional judgment and risk assessment reflects philosophy, not science," according to the handwritten notes Enck took of the phone call.

After public outcry, the state then changed its position that the water was safe and advised residents against consuming their water.

The state health department spokesman, on background, said the state's response was science-based and follows "a valid, standard and accepted approach which is consistent with the approach used by EPA."

Earlier this month, after years of study, the EPA determined that a PFOA limit of 70 parts per trillion in water was a safe level. For years, the EPA recommended level was 400 parts per trillion, even though many states had lower recommended levels than that. New York officials used the guidance of 50,000 parts per trillion and told EPA officials they "don't prioritize non-listed chemicals."

PFOA, or perfluorooctanoic acid, is used in the manufacturing of nonstick goods including carpeting, clothing, furniture and food packaging. The chemical has been linked to cancers, thyroid issues and other serious health problems in humans.

Even after being told by the EPA that 400 parts per trillion was a key cut-off point, Graber said the state would not use it as a guideline.

"We don't look at 400 as a dividing line," he said in a December 7 phone call with Enck, according to the call notes obtained by POLITICO.

A health department spokesman, on background, said the state was acting on the belief that the EPA sets health advisory levels at levels far lower than a level expected to cause health effects.

"There's a margin of safety that's built into the health advisories," he said.

By the time of the December phone call, state officials had known for months that the public water supply in the village of 2,000 people tested at 600 parts per trillion, far above federal safety limits. In fact, as POLITICO previously reported, administration officials sought to shield the public from findings of the high water pollution rates, going so far as to suggest a delay in reporting the high amounts in public documents.

The newly obtained documents reveal that late last year, residents concerned about their private wells walked away from public meetings with DOH officials believing that they could request water testing. But the state Department of Health put off many of those concerned residents and tested the wells nearest the St. Gobain facility, according to a January 21 email from John DiMartino, an EPA remedial project manager.

A state official googled the address of callers and told them they were not immediately eligible for testing if they did not live in close proximity to the St. Gobain facility, according to the emails. An EPA official who tried the state health department number listed as a contact on documents handed out at public meetings said that no one picked up the line, and that there was no voicemail to leave a message.

Many residents were brushed off by state health department officials who said they were limited from testing by time and funding constraints, according to the email from DiMartino, the EPA project manager.

"More often than not, the person lives too far from the area they are focusing on right now to warrant an immediate sampling. so [DOH Public Health Engineer Tim Vickerson] tells them to be patient and thanks for their time and understanding and that he will be in contact with them in the future as they collect data," DiMartino wrote.

Subsequent testing has proven that many private wells miles away from the St. Gobain facility tested positive for high levels of PFOA, likely from illegal dumping. The state significantly expanded its testing and funding for installation of private systems only after students from the Hoosick Falls school district held a press conference to ask Gov. Andrew Cuomo for help.

The emails also reveal, for the first time, that the village dump is another significant source of PFOA. Hoosick Falls' manufacturing waste was thrown into the town dump for years, which is surrounded by homes and located next to the Hoosic River, a consultant hired by the village notified the state Department of Health in January.

"The waste from all of the manufacturing in the village went to the 'dump'. Although the landfill was decommissioned and capped several years ago all of the potential PFOA rich leachate goes to the treatment plant and eventually out to the Hoosic River. it may be alarmingly high and we need to get at least a baseline level," MRB Engineering Group consultant David Lukas wrote in a January 15 email to the health department's Vickerson.

The state conducted testing at the dump in March, and did find levels that exceeded federal safety limits, the state Department of Environmental Conservation confirmed this week. The river did not test at a high level. The DEC would not release those numbers or explain its mitigation plan, citing its ongoing Superfund investigation of the pollution.

"River samples were well below federal guidance values, and samples collected from the landfill included varying results with some samples showing elevated levels of PFOA above federal guidance values," DEC spokesman Sean Mahar said in a statement.

The Cuomo administration has vehemently denied any failures in its response to the Hoosick Falls crisis, and Cuomo has repeatedly praised his administration's "aggressive" response to solving the dire situation and has faulted the EPA for establishing a safety limit for PFOA consumption.

The administration has also been resistant to attempts by state lawmakers to hold hearings to examine the state's response to the Hoosick Falls crisis, which lawmakers said would ensure no similar situations ever happened again.

Hearings planned by the Democratic Assembly majority were never scheduled after the state budget negotiations. GOP U.S. Rep. Chris Gibson of Kinderhook has called for federal hearings, but they have yet to be scheduled.

Read the documents here:

<http://politi.co/24kW9fm>

<http://politi.co/1P8uCqu>

<http://politi.co/1VzudE6>

<http://politi.co/1UjxLVQ>

Churchill: Cuomo team passes the buck in Hoosick Falls

Chris Churchill

Published 9:19 pm, Wednesday, August 31, 2016

Photo: PAUL BUCKOWSKI

Hoosick Falls

State Sen. Kemp Hannon put a beach ball on a tee and handed Howard Zucker a bat. Somehow, the health commissioner swung and missed.

The metaphorical ball arrived as a question served up during Tuesday's hearing on Hoosick Falls water contamination, when Hannon asked Zucker if he would have done anything differently while responding to the crisis.

It was the perfect opportunity for Zucker to concede that his department should never have told villagers the tainted water was safe to drink. It was also a chance for a member of Gov. Andrew Cuomo's administration to make at least a small concession of responsibility.

Zucker did nothing of the sort.

Now, the commissioner is undeniably a brilliant man — so brilliant that he became a doctor at 22, an accomplishment that supposedly inspired the Doogie Howser television series.

But Zucker couldn't come up with a single thing that his department could have done better. Instead, he blathered on about how hard his department had worked and well it had handled the crisis.

It was a remarkable moment, one of those times when you can't believe what you're hearing.

It's true that Zucker's response was predictable to anyone familiar with the Cuomo administration's four-Ds approach to controversy — deflect, delay, deny and, if necessary, defame. But it was still shocking to see it employed in Hoosick Falls, where trust in government has been reduced to PFOA-tainted dust.

Let's review why that's so.

Officials in Aug. 2014 were first made aware of potential perfluorooctanoic-acid contamination in Hoosick Falls. Two months later, tests results confirmed fears and showed the severity of the problem.

Yet for more than a year, the state downplayed the dangers and said the water was safe to drink.

Stunningly, that continued to be the case even after the EPA warned, in Nov. 2015, that nobody in Hoosick Falls should be drinking the water. A state Department of Health "fact sheet" released in December claimed that "health effects are not expected from normal use of the water."

Yet Zucker couldn't think of something he'd do differently?

Not one thing?

Rather than accept responsibility, Zucker instead faulted the EPA for providing what he described as inconsistent and contradictory information. The state relied on federal guidance, he said, because it can't know the dangers posed by every unregulated chemical.

In reality, the EPA in 2009 first advised against drinking water with PFOA concentrations higher than 400 parts per trillion, as was the case in Hoosick Falls. Plus, the dangers of PFOA were widely known.

Consider that the state Senate panel on Tuesday also heard from attorney Rob Bilott, whose pollution lawsuit against DuPont led to a landmark PFOA health study. It monitored 69,000 West Virginians over the course of seven years and found that even small amounts of the chemical are linked to cancer and other diseases.

"The science is unequivocal," Bilott said during the hearing in the high school gym.

The lawyer's testimony made a fool of Zucker, because it showed that state officials should have known that the toxin wasn't safe to drink. The DuPont study is available online.

So Zucker, in response to Hannon's question, could have rubbed his chin and said, "You know, in retrospect, I wish I'd taken the time to run PFOA through Google. I might have realized just how dangerous it is."

But Zucker didn't say that. He didn't admit to any mistake whatsoever.

Listening to Zucker pass the buck, you'd have thought Hoosick Falls was in Alabama or some other low-tax place where people don't expect much help from state government. But this is high-tax New York, where the government is supposed to be better than that, where officials should never claim that they can only follow federal guidance.

If state officials won't even warn New Yorkers against drinking contaminated water, then what are we paying for? We certainly aren't paying for honesty.

I hadn't heard that Zucker may have been the inspiration for Doogie Howser until somebody mentioned it to me after his testimony. "Doogie Howser, M.D." was a corny show, but I watched it.

If you did too, you may remember that the fictional teenage doctor ended each episode by typing a newly learned moral lesson into his computerized diary. You can find them compiled online.

"The truth is our most valuable commodity," Howser wrote at the conclusion of one show. "It would probably be a way better world if people didn't use it so economically."

Smart kid, that Doogie.

TIMES UNION

EPA's Enck defends decision not to attend Hoosick Falls hearing

Senate Health Committee chairman says EPA, state finger pointing is unproductive

By Matthew Hamilton

Published 10:38 pm, Wednesday, August 31, 2016

Albany

U.S. Environmental Protection Agency Region 2 Administrator Judith Enck said Wednesday it was not a mistake to not attend Tuesday's state Senate water quality hearing in Hoosick Falls and that she does not plan to attend upcoming legislative hearings on the topic.

Enck's comments, delivered during an interview on WCNY's "The Capitol Pressroom," preceded her continued defense of her agency's response to the water contamination crisis in northeastern Rensselaer County as state officials cast blame on the EPA for confusion among residents.

"The issue of changing numbers, though, is kind of a moot point," Enck said of EPA's move in late 2015 to set a lower acceptable PFOA exposure level than previously used during the WCNY interview. "We had a 400 part per trillion short-term health advisory in effect for five years. In Hoosick Falls, test results showed that people were drinking water with over 600 parts per trillion of PFOA — so clearly in violation of the short-term health advisory."

"We were in very close communication with the state Health Department," she continued. "There was absolutely not confusion on the EPA numbers; there was disagreement about what to do about it."

As Tuesday's water quality hearing began, the state commissioners of health and environmental conservation sent a letter to the EPA requesting that the agency pick up the tab for expenses related to the Hoosick Falls response not covered by the polluters. In it, the officials wrote that the EPA "shifted their position repeatedly — changing the level from 400 parts per trillion to 100 parts per trillion in a single town, and then changing the national advisory level from 400 parts per trillion to 70 parts per trillion."

"In addition, the EPA has had different guidance for what to do when any of those levels are actually exceeded," Health Commissioner Dr. Howard Zucker and DEC Commissioner Basil Seggos wrote. "This generated undue public anxiety and different strategies and deployments for our agencies, resulting in the state marshaling unprecedented resources in order to adapt to the constantly shifting guidance and recommendations from the EPA."

Meanwhile, Senate Health Committee Chairman Kemp Hannon, R-Long Island, said in a separate "Capitol Pressroom" interview said that the back-and-forth finger pointing between the EPA and state is unproductive.

"I don't think that blame is going to be a productive thing to pursue," he said, later adding, "If this substance is as persistent and dangerous as it seems to be, I don't know if we're going to be worried about a fall guy. We're going to be really worried about what do we do to help people medically."

PHOTO 101977 ---Wayne --- Friday, September 25, 2012 --- EPA Regional Administrator Judith Enck AMY NEWMAN/STAFF PHOTOGRAPHER

TIMES UNION

EPA's Enck defends Hoosick Falls response amid criticisms (updated)

By Matthew Hamilton on August 31, 2016 at 12:46 PM

ED_001670_00035188-00007

U.S. Environmental Protection Agency Region 2 Administrator Judith Enck again defended on Wednesday her agency's response to the Hoosick Falls water contamination crisis amid criticisms from the state that were voiced at a Tuesday state Senate hearing.

"The issue of changing numbers, though, is kind of a moot point," Enck said of EPA's move in late 2015 to set a lower acceptable PFOA exposure level than previously used during an interview on WCNY's "The Capitol Pressroom." "We had a 400 part per trillion short-term health advisory in effect for five years. In Hoosick Falls, test results showed that people were drinking water with over 600 parts per trillion of PFOA — so clearly in violation of the short-term health advisory."

"We were in very close communication with the state Health Department," she continued. "There was absolutely not confusion on the EPA numbers; there was disagreement about what to do about it."

Enck's comments mirrored what she told reporters on Tuesday as the state commissioners of health and environmental conservation knocked the EPA for generating confusion about acceptable PFOA exposure in Hoosick Falls. Enck did not rebut the state's arguments at the hearing, however, declining invitations to attend.

Enck went on to say that the Department of Health should have joined with the EPA to sound the alarm over the pollution in the drinking water earlier.

"We are drinking water hawks," she said. "We do not want people drinking contaminated water, and the numbers were pretty clear. There should not have been any confusion at all that the public water supply in Hoosick Falls was higher than an existing EPA short-term health advisory."

In a letter sent to the EPA as the Tuesday water quality hearing began requesting that the agency pick up the tab for expenses related to the Hoosick Falls response not covered by the polluters, both state commissioners wrote that the EPA "shifted their position repeatedly — changing the level from 400 parts per trillion to 100 parts per trillion in a single town, and then changing the national advisory level from 400 parts per trillion to 70 parts per trillion."

"In addition, the EPA has had different guidance for what to do when any of those levels are actually exceeded," Health Commissioner Dr. Howard Zucker and DEC Commissioner Basil Seggos wrote. "This generated undue public anxiety and different strategies and deployments for our agencies, resulting in the state marshaling unprecedented resources in order to adapt to the constantly shifting guidance and recommendations from the EPA."

In her interview, Enck also defended her decision not appear at the Tuesday hearing, saying that the EPA does not typically attend state legislative hearings. She said she does not plan to attend additional upcoming water quality hearings elsewhere. Enck said written testimony submitted to the Senate also has been sent to the Assembly.

Meanwhile, Senate Health Committee Chairman Kemp Hannon, R-Long Island, said in a separate "Capitol Pressroom" interview said that the back-and-forth finger pointing between the EPA and state is unproductive.

"I don't think that blame is going to be a productive thing to pursue," he said, later adding, "If this substance is as persistent and dangerous as it seems to be, I don't know if we're going to be worried about a fall guy. We're going to be really worried about what do we do to help people medically."

In addition to the EPA, manufacturers Saint-Gobain Performance Plastics, Honeywell International and Taconic Plastics did not attend the Tuesday hearing. While the state Legislature has subpoena power to compel people to testify at hearings, senators did not exercise that power.

"It depends on the lawsuits that are out there right now, that (residents) are suing Saint-Gobain, and whether they'll simply say, 'Look, government, we're already under subpoena for all of this information and we're in a court suit and you're just going to have to stand in line,'" Hannon said. "That's the difficulty of subpoena is it can simply result in standoffs from one side to the other."

Hannon pointed to such standoffs during the congressional hearings on Benghazi.

"I don't think they had a conclusion to their hearings," he said.

Update: Both DEC and DOH offer a fresh response to Enck's comments:

After deciding not to show up and testify, Judith Enck, during her media tour, has failed to mention that EPA Region 2 was informed of the situation in Hoosick Falls in December 2014 and kept apprised of the actions being taken throughout 2015. Ms. Enck's office raised no issues until close to a year later when her regional office began issuing changing guidance and recommendations that conflicted with the official 2009 health advisory from EPA headquarters.

Prior to EPA Region 2's sudden shift in approach, the state had already secured funding for a village filtration system and instituted a bottled water program as an additional precautionary measure. In order to hold the polluters accountable, it was also the state that took action to list PFOA as a hazardous substance and list the Saint Gobain

plant as a Superfund site – both of which the federal government has still failed to do.

TWC NEWS

Hoosick Falls, Petersburg Residents Look to Next Water Quality Hearing

By Tanja Rekhi

Updated Wednesday, August 31, 2016 at 09:34 PM EDT

The Hoosick Falls community is reflecting on the first water quality hearing on the PFOA contamination, and is looking ahead to the next one.

The hearing Tuesday at Hoosick Falls High School included testimony from state and local leaders, along with several residents.

People like Michael Hickey shared stories about how loved ones died from cancer potentially from drinking the water for years. Hickey is credited with discovering PFOA in the water when he started researching his father's battle with cancer.

"This has never been about just me and my family," said Hickey. "It's always been about who my dad was. He was all about the kids on the bus and the community as a whole."

Other residents also testified on concerns that illnesses they have are linked to PFOA. They asked lawmakers to pass bills to protect them and help them with sicknesses.

"There was no indication of a statewide action plan," said environmental activist Liz Moran. "We didn't hear anything from either the DEC and DOH about what steps they were going to take going forward to make sure this wasn't going to happen again, to make sure that everything is being taken care of in these communities with pollution. That was disappointing."

The Assembly and state Senate will hold joint water quality hearings next Wednesday at the Capitol.

WAMC

NYS Senate Holds First Water Hearing In Hoosick Falls

By DAVE LUCAS • 19 HOURS AGO

Republican State Senator Kathy Marchione presided over the marathon 10-hour session at Hoosick Falls Central School.

CREDIT WAMC PHOTO BY DAVE LUCAS

A long-awaited New York state Senate hearing on the fallout from PFOA-contaminated water was held Tuesday in Hoosick Falls. Officials and angry residents took to the microphone.

Republican State Senator Kathy Marchione presided over the marathon 10-hour session at Hoosick Falls Central School.

For decades, Hoosick Falls was home to several factories that used PFOA in manufacturing Teflon products. Over time, the substance fouled groundwater, contaminating the municipal drinking supply and private wells, leading up December 2015, when the EPA warned residents not to drink the water. The chemicals are suspected carcinogens.

State and local officials were joined by residents who voiced their concerns to a panel of senators.

In 2014, resident Michael Hickey was searching the internet for answers after his father, who worked more than three decades in a Teflon factory, succumbed to cancer. "I started to do a random Google search. And all I typed in was "Teflon" and "cancer" because that's what was in the factory that was in Hoosick Falls that my father worked at. And it really took actually about five minutes to find it. And the thing with that was that it was hard for me because my dad had kidney cancer, and the first thing that shows up on the C8 science channel is kidney cancer. "

State Health Commissioner Howard Zucker at Hoosick Falls PFOA hearing, August 30, 2016

CREDIT WAMC PHOTO BY DAVE LUCAS

State Health Commissioner Howard Zucker defended the administration's actions. "And in line with a 2009 EPA advisory, our efforts helped the village confirm in November 2014, that some PFOA levels in the municipal water supply exceeded EPA guidance levels, and established a plan of attack for removing the contaminants from the water

supply."

Attorney Robert Bilott , dubbed by the New York Times "The Lawyer Who Became DuPont's Worst Nightmare," testified PFOA is a dangerous "bio-persistent material" and regulation could have begun decades earlier. "Part of this process EPA started in 2003. They identified what they call 'data needs,' and at that point EPA had looked at some of the blood data — by then it was already known this chemical was in human blood supplies all over the country if not all over the world. There is no background level. It is a non-naturally occurring chemical. It is man-made. There was none of this in anybody's blood prior to the 1950s."

Scroll to the bottom of this article to hear Bilott's full testimony. I spoke with him later in the day. He told me he " felt it was important to be here and make sure that the people in this community and the state that's struggling with these issues, has access to as much information as they can possibly have about what's already known about these chemicals. The information's already available, you don't have to re-invent the wheel and do a lot of additional studies."

There were no officials representing either the federal Environmental Protection Agency or any of the companies associated with PFOA at the hearing.

Throughout the day and into the night, one after another, residents shared their stories.

"Although the six-month water rebate was something, but what about the other 12 months we paid to be poisoned?"

"I'm distraught because I have a lot of empathy for the people who spoke. I worry a great deal about my father."

"I lost my father, uncle, aunt and mother all within the last two years and all to cancer."

"I mean, come on, we're not a third world country. We're supposed to be the leaders, the educators, the (sigh) it's just so disappointed. I lived in this little perfect bubble where I thought that we lived in the greatest country, and... I don't see it anymore."

"I will not drink the water. I don't care if it's changed. I don't trust it."

At the end of the session, Marchione summed up the day. "We should have a policy in place that we can move forward when this type of a crisis occurs. Waiting 18 months to be able to have some resolve is a long time. And so I think what we hope to get out of these meetings is how do we go forward? What happened? How can we do better? How can we help the people who are here but... What kind of a policy do we put in place so that the next time that this occurs, what can we do? How do we do it so we do it better, we do it faster..."

The next hearing is set for September 7th; the Senate and Assembly conducting a joint listening session in Albany on water quality issues. "I think there'll be a report at the end of the third hearing. I know that we'll be drafting a report. I've said from the beginning, after hearings, I really think there should be a task force where all levels of government get together and a policy is created on how we work better together, from the EPA, and I know we can't mandate them to come, and hopefully they'll have more responsibility if we have a task force than they did today. But to have everyone come together and sit at the table and create a policy... what happens when we find ourselves like this? And I think that's critically important. I think it's one of the most important things that we can do."

The final hearing will be September 12th on Long Island.

AP

NY health commissioner: State acted properly on tainted water in Hoosick Falls

August 30, 2016 10:21 PM

HOOSICK FALLS, N.Y. (AP) - The state followed federal guidelines in addressing industrial chemical contamination of a village's drinking water, but the Environmental Protection Agency gave "confusing, changing and inconsistent guidance," New York Health Commissioner Howard Zucker said Tuesday.

At a state Senate hearing on the state's handling of PFOA contamination of the municipal water supply in Hoosick Falls, Zucker said EPA guidelines on maximum levels of the Teflon-related chemical in drinking water are intended to trigger action to reduce it, not to warn against drinking the water.

Zucker made the comments when asked why his agency told Hoosick Falls residents no health impacts were expected from drinking municipal water even after tests showed levels of PFOA above 600 parts per trillion, well above the EPA's guideline of 400 ppt for short-term exposure.

He said his agency had a solution well underway when EPA Region 2 Administrator Judith Enck "out of left field" told residents not to drink the water in December 2015.

In a phone interview later Tuesday, Enck said her agency had been advising state health officials since October 2015 to tell Hoosick Falls residents not to drink or cook with their tap water. When state officials declined to do so, saying the 400 ppt had a "built-in margin of safety," Enck issued a do-not-drink advisory to residents with full cooperation of EPA officials in Washington, she said.

Hoosick Falls residents have accused Democratic Gov. Andrew Cuomo's administration of taking too long to warn them against drinking water contaminated with perfluorooctanoic acid, or PFOA, which was used for decades in the manufacture of Teflon and other nonstick coatings but was phased out after being linked to cancer and other ills.

The state Department of Environmental Conservation is holding St. Gobain Performance Plastics and its plant's predecessor, Honeywell International, liable for cleanup costs in the upstate New York community, including installing temporary filtration systems and developing a new water supply.

On Tuesday, DEC and the Health Department sent a letter to EPA Administrator Gina McCarthy requesting that the agency reimburse New York state for any costs incurred for the Hoosick Falls cleanup not ultimately paid by the polluters, saying "changing, conflicting guidance" from EPA about PFOA resulted in "undue public confusion and the marshaling of unprecedented state resources."

The letter referred to the fact that EPA had set a level for short-term exposure to PFOA of 400 ppt in 2009 and issued a long-term exposure level of 70 ppt in May 2016. While the long-term exposure level was being finalized, EPA advised cleanup efforts in New York to set a target of no more than 100 ppt.

"EPA had a very transparent process over five years that the drinking water level was going to be revised," Enck said. "It's unclear why that would have resulted in the state of New York incurring additional costs."

Enck noted that the Superfund law says the polluter, not federal taxpayers, must pay for the full cost of cleanup.

The contamination was uncovered in 2014 by Michael Hickey, a resident concerned about his village's perceived high cancer rate. In emotional testimony at Tuesday's hearing, Hickey talked of his father's death from kidney cancer after 32 years of working at the village plastics factory. He said it took "a simple Google search" for him to learn about PFOA's link to kidney cancer, and it shouldn't have taken so long for officials to warn people about the chemical in their water.

"They were in the wrong," Hoosick Falls resident Laura Peabody said after Zucker's testimony. "They weren't on top of it in the beginning. They didn't have answers for us. They left us in a frenzy, and that's not OK."

WNYT

EPA director says state health was not confused about PFOA

August 31, 2016 06:38 PM

HOOSICK FALLS -- State health commissioner Dr. Howard Zucker put the blame on the EPA at a state senate hearing here on Tuesday. Zucker said his department was following EPA guidelines on PFOA, when it let residents consume contaminated water for more than a year.

Zucker said a December 2015 EPA press release telling residents to stop drinking the water came out of left field.

"We are sort of confused. They didn't mention don't drink the water before, above a certain level, and they do now," said Dr. Zucker, in front of the senate panel yesterday.

EPA Region II Director Judith Enck says the EPA didn't know residents were drinking water over the 400 ppt level until October 2015, when Rensselaer County Executive Kathy Jimino called looking for money to help with the PFOA.

Enck says not long after she found out, she called state health urging the department to get residents to stop drinking the water. She also penned a November 2015 letter with the same advice. The health department waited until after that press release to tell residents to stop drinking the water.

"There was no confusion at all, and there were lots of conversations," said Enck. She went on to say, "EPA advised the people not to drink the water. This was a disagreement between the department of health and EPA."

The health department was working on getting a filter before the EPA stepped in, but Zucker and his team said the levels over 400 were okay to drink because of a built-in buffer zone.

"They build in this large margin, this buffer. The idea is health effects are not expected to occur at the health advisory levels they set," said Brad Hutton, deputy health commissioner.

Enck says that's not how it works. The advisory was for weeks or months of exposure, not years.

"The majority of samples came back over 600 parts per trillion, and our short term number was 400 parts per trillion. It seemed fairly obvious that the state health department should be informing the public to seek alternate water supply," said Enck.

Zucker said state health had done no independent research on PFOA before telling residents their water wasn't expected to cause health effects.

The thing state health, the DEC, and the EPA can agree on: Each director said they were very proud of the work their agency or department did in Hoosick Falls.

Enck was criticized for not showing up at yesterday's hearing. She says federal agencies don't usually show up at state hearings and she says she won't be attending the next two either.

POST STAR

State sampling river to assess PFOA source in Washington County

MICHAEL GOOT

12 hrs ago

The Hoosic River is seen earlier this month. Representatives from the state Department of Environmental Conservation have been taking samples to see if the contaminant PFOA is present and could be the source of the chemical showing up in wells in the White Creek area.

WHITE CREEK — The state Department of Environmental Conservation is sampling the Hoosic River and its tributaries to assess how PFOA contamination may have spread to Washington County.

DEC officials on Aug. 25 collected samples from the Eagle Bridge area of the river and its tributaries, including the Walloomsac River, according to spokesman Sean Mahar.

"DEC will collect an additional 13 samples once the river system returns to low flow conditions," Mahar said in an email.

The initial results are expected in mid-September, Mahar added.

Environmental officials are trying to determine the source of PFOA, a chemical known as perfluorooctanoic acid, which was used in nonstick coating.

The chemical has been found in Hoosick Falls and Petersburg, and the state in May reached a settlement with the Saint-Gobain and Honeywell companies to clean up the contamination found in the Hoosick Falls area and pay for the cost. PFOA also has been found in White Creek and Cambridge.

Concentration levels above the Environmental Protection Agency's advisory limit of 70 parts per trillion were found in 27 of the 126 well samples in southern Washington County.

The state DEC has installed point-of-entry-treatment systems, which used a granular-activated carbon to remove the PFOA. Twenty-six were installed in White Creek and two in Cambridge.

Prolonged exposure to the chemical could result in risk of cancer, birth defects or problems with the liver, immune system and thyroid, according to the EPA.

White Creek is holding a meeting to discuss the PFOA issue. It is tentatively scheduled for 6 p.m. Sept. 14 at Cambridge Central School.

Officials do not know how the contamination spread to Washington County. Some residents have cited the Hoosic River, which flooded a few years ago in the Eagle Bridge section of White Creek.

Some of the homes where wells tested positive for PFOA were along River and Turnpike roads, where there was flooding.

In addition to the river, state officials are also looking at landfills as a potential source. DEC this week identified the nearby Hoosick Falls landfill site as a potential state Superfund location.

The state's preliminary investigation has found that the landfill site, and municipal landfills in the towns of Petersburg and Berlin, may contain PFOA.

Monitoring wells at the Hoosick Falls landfill site found PFOA concentrations of up to 21,000 parts per trillion, according to a news release.

Further study will determine if there is evidence of hazardous materials.

Designation as a Superfund site allows the state to implement expedited remediation and get the responsible parties to pay for the cleanup costs.

The Hoosick Falls landfill was owned by the village and operated from the mid-1930s until it stopped accepting waste in 1993 and closed the following year, according to the state.

DEC is asking residents with concerns about illegal dumping to call 402-9676.

The agency continues to take requests for private well sampling and installation of water filtration systems. Residents can call the Hoosick Falls Water Hotline at 1-800-801-8092.

EPA's Enck Responds To Criticism At State Senate PFOA Hearing

By BRIAN SHIELDS • 20 HOURS AGO

Judith Enck of the EPA

WAMC photo by Dave Lucas

Listen

6:14

At Tuesday's state Senate hearing on the water contamination in Hoosick Falls, the federal EPA came in for criticism from some state officials who blamed the agency for failing to lead, and from some lawmakers who said they were disappointed the EPA did not send a representative to the hearing. For a response, WAMC News spoke Wednesday with District 2 Regional Administrator for the EPA, Judith Enck.

<http://wamc.org/post/epas-enck-responds-criticism-state-senate-pfoa-hearing>

BLOOMBERG BNA

Drinking Water

EPA Official Disputes Water Contamination Response Charges

EPA Region 2 Administrator Judith A. Enck defends agency's response to water contamination in Hoosick Falls, N.Y.

State officials criticize EPA for issuing conflicting guidance on perfluorooctanoic acid

By Gerald B. Silverman

Aug. 31 — The Environmental Protection Agency is defending its response to water contamination in Hoosick Falls, N.Y., disputing charges by two top New York state officials that the federal agency caused confusion by issuing conflicting health guidance on perfluorooctanoic acid (PFOA).

Judith A. Enck, the EPA administrator for Region 2, told Bloomberg BNA Aug. 31 that the EPA was in close communication with the state Department of Health when PFOA was discovered in the town's water supply.

"EPA's role did not cause confusion," she said. "EPA spoke out to protect public health in Hoosick Falls. There was absolutely no confusion, but there was disagreement on how to handle the situation."

Enck was responding to charges made by state Health Commissioner Howard Zucker and Environmental Conservation Commissioner Basil Seggos in an Aug. 30 letter and testimony before two state Senate committees.

The commissioners criticized the EPA for issuing changing guidance on PFOA, which they allege switched from 400 parts per trillion to 70 parts per trillion. In addition, EPA issued a regional advisory of 100 parts per trillion for Hoosick Falls only.

Enck said the 400 parts per trillion guidance was for short-term exposure, while the 70 parts per trillion is for lifetime exposure. The EPA advised Hoosick residents not to drink or cook with their water in 2015 when tests found PFOA at concentrations above 600 parts per trillion, but the state Health Department disagreed and said EPA was being "overly protective," according to Enck.

Unusual Step

The commissioners, in their letter to EPA, took the unusual step of requesting that the EPA reimburse New York for any response costs that aren't covered by the responsible parties at the Hoosick Falls Superfund site. Enck said both the state and federal Superfund laws require that responsible parties pay the full response costs.

"Their request is not quite consistent with the Superfund law," she said.

Saint-Gobain Performance Plastics Corp. and Honeywell International Inc. have been named as potential responsible parties under the state Superfund law.

Enck also responded to state senators who criticized the EPA for not appearing at an Aug. 30 hearing at Hoosick Falls High School. Enck said the EPA sent the committees a letter and backup documents, but it doesn't plan to appear before the committees.

"We're a federal agency and we typically don't testify at state level hearings," she said.

GOTHAMIST

Cuomo Administration Plays Blame Game Over Upstate Town's Poisoned Water

BY RAPHAEL POPE-SUSSMAN IN NEWS ON AUG 31, 2016 2:52 PM

After Governor Andrew Cuomo slew a giant sea creature with his bare hands over the weekend, his administration went fishing for excuses on Tuesday, claiming it is not to blame for the environmental crisis in the upstate town of Hoosick Falls.

State officials defended the administration's response in testimony at a state Senate hearing on the handling of the crisis, which began last November with the revelation that the Hoosick Falls water supply contained dangerous levels of the suspected carcinogen perfluorooctanoic acid, better known as PFOA.

According to a Politico report, Health Commissioner Dr. Howard Zucker blamed the federal Environmental Protection Agency for the crisis in his testimony, complaining that the EPA had confused state officials and unnecessarily freaked out the residents of Hoosick Falls by warning them not to drink the contaminated water.

Regional EPA administrator Judith Enck challenged the state's narrative that its inaction was a result of confusion about the safety of Hoosick Falls' drinking water. According to Enck, Health Department officials told the EPA they were not concerned about PFOA levels that exceeded the EPA's recommended safety standard of 400 parts per trillion because they believed the EPA standard had a built-in margin of safety.

"The state Health Department was not at all confused about what the EPA numbers were, but they were unwilling to alert the public about the problem," Enck told Gothamist. "They were not willing to err on the side of caution."

Zucker and Department of Environmental Conservation Commissioner Basil Seggos also on Tuesday sent an angry letter to the EPA expressing similar complaints. They demanded that the agency pick up the bill for cleanup and remediation, which the state estimated could rise as high as \$75 million over the next decade.

Enck submitted her own letter to state legislators outlining the EPA's response to the crisis.

Perfluorooctanoic acid is used in a range of consumer products, including certain food containers, textiles like Gore-Tex, and the non-stick coating Teflon. Residents of Hoosick Falls have said exposure to PFOA has led to elevated rates of cancer and thyroid disease in the town. The contamination has been linked to an industrial plant operated by the firm Saint-Gobain Performance Plastics, as well as a Honeywell International plant that is no longer active.

As Politico previously reported, the Health Department knew about potential PFOA contamination in Hoosick Falls as early as 2014, but did not act on this information. Even after the EPA notified the mayor of Hoosick Falls that water in the town's taps was not safe to drink in November 2015, the Cuomo Administration continued to maintain that residents would not suffer ill health effects from ingesting it. A December 2015 fact sheet issued by the Health Department and the DEC stated, "Health effects are not expected to occur from normal use of the water."

It was only in late January of this year that Cuomo took action, declaring Hoosick Falls a state Superfund site and ordering the Health Department and DEC to conduct thorough testing of the town's water and install filtration systems to remove PFOA from the water supply.

"I do believe our citizens were advised incorrectly to consume water that was unsafe for at least for 12 months, local doctor Marcus Martinez told Politico.

The Department of Health declined Gothamist's request for comment.

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